IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5016 OF 2005

Satish Annappa Shikalgar ...Applicant
vs.
State of Maharashtra ...Respondent

Mr.Umesh R.Mankapure for the Applicant
Mr.K.V.Saste, A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 23,2005

P.C.:

1. On the last date the submissions of the learned Advocate for the Applicant and learned A.P.P. for State were heard. However, the order was not passed as the learned A.P.P. pointed out that there was a recovery of blood stained sword at the instance of the Applicant and the report of the Chemical Analyser was awaited. Today, the learned A.P.P. has produced a copy of report of the Chemical Analyser. According to the learned A.P.P. the report is inconclusive in so far as the blood stains on the sword are concerned.

2. The offence registered against the Applicant and co-accused is under Sections 364, 302,307, 397 read with Section 34 of the Indian Penal Code. The material relied upon by the prosecution against the Applicant is confessional statement of the co-accused. The said confession is recorded in alleged memorandum recorded under section 27 of the Indian Evidence Act. Obviously, the said extra judicial confession

cannot be relied upon. The other evidence against the Applicant is recovery of blood stained sword. As stated earlier the report of the Chemical Analyser is inconclusive. Apart from aforesaid material there is no material available against the Applicant. The Applicant was arrested on 1st January 2005. Charge sheet has been filed on 28th March 2005. In my view, the Applicant is entitled to be enlarged on bail.

3. Hence I pass the following order :

i) The Applicant shall be enlarged on bail in connection with C.R.No.327/2004 registered at Sangli City Police Station, Sangli subject to furnishing a personal bond of Rs.15,000/-(Rupees fifteen thousand only) with two local sureties in the like amount.

ii) Bail is granted subject to the condition that the Applicant shall report to the concerned Police station once in a week till the conclusion of the trial.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) The Applicant shall cooperate with the learned Trial Judge

for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

Judge